

REMARKS

Claim Objections

Claim 3 has been amended to alleviate any confusion and more clearly describe the claimed invention.

The Examiner has objected to Claim 3, lines 2 and 3, as being confusing as written. Claim 3 has been amended to alleviate the confusion and more clearly describe the claimed invention. Although the invention may be adapted to removably attach to any conventional container receptacle, Claim 3 is intended to describe the eighth embodiment of the invention (Figures 21 and 22, Sections 72, 73 and 78). Here, the container cap of the invention, which contains the illumination source(s), is designed so that it can be attached to and removed from a *supplied conventional cap* (such as a conventional cap that is originally supplied with the medicine container, which does not contain illumination capabilities). That is, it can be used on more than one medicine container by attaching and removing it from the supplied conventional cap of the container receptacle. Thus, the Applicant respectfully requests that the Examiner examine this claim in light of the above, as opposed to the Examiner's stated understanding for examination (from the Office Action, page 2, Section 1: "Claim 3 of the instant application has been examined considering the claimed cap of the container means includes means enabling it to be removably attached to any other conventional *container receptacle*").

Claim 26 has been amended as suggested by the Examiner for definite recitation. The Examiner has suggested that Claim 26, line 3, be rephrased. Claim 26 has been amended as suggested by the Examiner for definite recitation.

Claims 1-33 are pending in the application.

Claim Rejections – 35 USC § 102

Independent Claim 1 has been amended to incorporate the illumination of the outer surface of the container so as to distinguish over Dubinin (Claims 1, 2-6, 10 and 12).

Claim 1, and claims 2-6, 10, and 12, which depend from Claim 1, stand rejected under 35 U.S.C. § 102(b) as being anticipated by WO 01/90640 A1 to Dubinin et al. The Examiner has indicated that Dubinin teaches a container having a removably coupled cap having a means for illuminating the inner surface. The Examiner further states that Dubinin does not teach illuminating the outer surface of the container as detailed in the current invention (from the Office Action, page 14/15, Section 16). Therefore, independent Claim 1 has been rewritten to incorporate the illumination of the outer surface of the container so as to distinguish over Dubinin. The applicants respectfully submit that the rewritten claim should raise no new issues as the Examiner has indicated that the prior art does not teach outer surface illumination, and therefore, the applicants submit that Claim 1 and its dependent claims are allowable over the cited references and request reconsideration and allowance. Further, Claim 2 has been amended to better recite the container receptacle part.

Independent Claim 27 has been amended to incorporate the illumination of the outer surface of the container so as to distinguish over Dubinin (Claims 27-29).

Claim 27, and claims 28-29, which depend from Claim 27, stand rejected under 35 U.S.C. § 102(b) as being anticipated by WO 01/90640 A1 to Dubinin et al. The Examiner has indicated that Dubinin teaches a container having a removably coupled cap having a means for illuminating the inner surface. The Examiner further states that Dubinin does not teach illuminating the outer surface of the container as detailed in the current invention. Therefore,

independent Claim 27 has been rewritten to incorporate the illumination of the outer surface of the container so as to distinguish over Dubinin. Additionally, dependent Claim 28 has been amended to more completely claim the invention by pointing out that the cap is removably coupled to the container. Dependent Claim 29 has been amended to better recite the container receptacle part. The applicants respectfully submit that the rewritten claims should raise no new issues as the Examiner has indicated that the prior art does not teach outer surface illumination, and therefore, the applicants submit that Claim 27 and its dependent claims are allowable over the cited references and request reconsideration and allowance.

Independent Claim 23 has been amended to incorporate the illumination of the outer surface of the container so as to distinguish over Zelensky (Claims 23 and 24).

Claim 23, and claim 24, which depends from Claim 23, stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,178,450 to Zelensky et al. The Examiner has indicated that Zelensky teaches a container having a removably coupled cap having a means for illuminating the inner surface. The Examiner further states that Zelensky does not teach illuminating the outer surface of the container as detailed in the current invention (from the Office Action, page 14/15, Section 16). Therefore, independent Claim 23 has been rewritten to incorporate the illumination of the outer surface of the container so as to distinguish over Zelensky. Also, independent Claim 23 has been amended to better recite the container receptacle part and the housing means part. Additionally, dependent Claim 24 has been amended to more clearly describe the claimed invention, in particular the present invention can be also attached to and removed from a *supplied conventional cap* (such as a conventional cap that is originally supplied with the medicine container, which does not contain illumination capabilities), and to

alleviate any confusion, as suggested by the Examiner (addressed above in **Claim Objections**, Claim 3). The applicants respectfully submit that rewritten claims should raise no new issues as the Examiner has indicated that the prior art does not teach outer surface illumination, and therefore, the applicants submit that Claim 23 and its dependent claims are allowable over the cited references and request reconsideration and allowance.

Wolf does not teach a separate base with illumination capabilities nor does Wolf teach illumination of the container's body area (Claim 31).

Claim 31 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,836,476 to Wolf. The applicants respectfully traverse the Examiner's rejection for the following reasons.

First, Claim 31 pertains to Figures 23 and 24 of the present invention. As shown in these figures, the medicine container is removably coupled to a base, whereby the base contains structure to provide the illumination. The base also serves as a supporting structure to hold the medicine container. In contrast, Wolf does not teach a separate base with illumination capabilities. For Wolf's invention to function as stated, the basket, and attached illumination structure, must travel with the container, that is, it cannot be separated from the container (bottle), as in the present invention, and still provide the illumination function.

Second, Wolf only teaches or suggests the illumination of the neck of the container. In fact, Wolf's invention is intended to "transilluminate" the neck of the bottle so as to examine the *contents inside the bottle* as it is being dispensed (e.g., the "clearness" of the wine as it is being dispensed – see U.S. Patent No. 4,836,476, Column 1, lines 16-24). Wolf does not teach or suggest a method for illuminating the other parts of the container, mainly the body, where a

usable and functional label would exist. Further, as seen in Wolf's invention (particularly Figure 1), the disclosed structure makes it impossible to illuminate the body of the container, whereas, the present invention contains structure to guide the illumination to all areas of the container, including a neck.

For the foregoing reasons, Wolf does not teach or suggest the inventions of the Claim 31, and therefore, the applicants submit that Claim 31 is allowable over the cited references and request reconsideration and allowance.

Claim Rejections – 35 U.S.C. § 103

Independent Claim 1 has been amended to incorporate the illumination of the outer surface of the container so as to distinguish over Dubinin (Claim 1, 2-6 and 7).

Claim 1, and Claims 2-6 and 7, which depend from Claim 1, stand rejected under U.S.C. § 103(a) as being unpatentable over Dubinin et al. (WO 01/90640 A1) in view of Ratcliffe et al. (U.S. Patent No. 5,785,407). The Examiner has indicated that Dubinin teaches a container having a removably coupled cap having a means for illuminating the inner surface. The Examiner further states that Dubinin does not teach illuminating the outer surface of the container as detailed in the current invention. Therefore, independent Claim 1 has been rewritten to incorporate the illumination of the outer surface of the container so as to distinguish over Dubinin, and thus the combination of Dubinin and Ratcliffe does not teach or suggest the present invention. The applicants respectfully submit that the rewritten claim should raise no new issues as the Examiner has indicated that the prior art does not teach outer surface illumination, and therefore, the applicants submit that Claim 1 and its dependent claims are allowable over the cited references and request reconsideration and allowance.

Independent Claim 1 has been amended to incorporate the illumination of the outer surface of the container so as to distinguish over Dubinin (Claim 11).

Claim 11, which depends from Claim 1, stands rejected under U.S.C. § 103(a) as being unpatentable over Dubinin et al. (WO 01/90640 A1). The Examiner has indicated that Dubinin teaches a container having a removably coupled cap having a means for illuminating the inner surface. The Examiner further states that Dubinin does not teach illuminating the outer surface of the container as detailed in the current invention. Therefore, independent Claim 1 has been

rewritten to incorporate the illumination of the outer surface of the container so as to distinguish over Dubinin. The applicants respectfully submit that the rewritten claim should raise no new issues as the Examiner has indicated that the prior art does not teach outer surface illumination, and therefore, the applicants submit that Claim 1 and its dependent claims are allowable over the cited references and request reconsideration and allowance.

Independent Claim 1 has been amended to incorporate the illumination of the outer surface of the container so as to distinguish over Dubinin (Claims 13-15).

Claims 13-15, which depend from Claim 1, stand rejected under U.S.C. § 103(a) as being unpatentable over Dubinin et al. (WO 01/90640 A1) in view of Masaki (U.S. Patent No. 4,736,138). The Examiner has indicated that Dubinin teaches a container having a removably coupled cap having a means for illuminating the inner surface. The Examiner further states that Dubinin does not teach illuminating the outer surface of the container as detailed in the current invention. Therefore, independent Claim 1 has been rewritten to incorporate the illumination of the outer surface of the container so as to distinguish over Dubinin, and thus the combination of Dubinin and Masaki does not teach or suggest the present invention. The applicants respectfully submit that the rewritten claim should raise no new issues as the Examiner has indicated that the prior art does not teach outer surface illumination, and therefore, the applicants submit that Claim 1 and its dependent claims are allowable over the cited references and request reconsideration and allowance.

Independent Claim 1 has been amended to incorporate the illumination of the outer surface of the container so as to distinguish over Dubinin (Claims 16-17).

Claims 16 and 17, which depend from Claim 1, stand rejected under U.S.C. § 103(a) as being unpatentable over Dubinin et al. (WO 01/90640 A1) in view of Marchese (U.S. Patent No. 4,072,855). The Examiner has indicated that Dubinin teaches a container having a removably coupled cap having a means for illuminating the inner surface. The Examiner further states that Dubinin does not teach illuminating the outer surface of the container as detailed in the current invention. Therefore, independent Claim 1 has been rewritten to incorporate the illumination of the outer surface of the container so as to distinguish over Dubinin, and thus the combination of Dubinin and Marchese does not teach or suggest the present invention. The applicants respectfully submit that the rewritten claim should raise no new issues as the Examiner has indicated that the prior art does not teach outer surface illumination, and therefore, the applicants submit that Claim 1 and its dependent claims are allowable over the cited references and request reconsideration and allowance. Further, Claim 16 has been amended to better recite the container label part.

Independent Claim 1 has been amended to incorporate the illumination of the outer surface of the container so as to distinguish over Dubinin (Claim 18).

Claim 18, which depends from Claim 1, stands rejected under U.S.C. § 103(a) as being unpatentable over Dubinin et al. (WO 01/90640 A1) in view of Hoy et al. (U.S. Patent No. 6,511,196 B1). The Examiner has indicated that Dubinin teaches a container having a removably coupled cap having a means for illuminating the inner surface. The Examiner further states that Dubinin does not teach illuminating the outer surface of the container as detailed in the current invention. Therefore, independent Claim 1 has been rewritten to incorporate the illumination of the outer surface of the container so as to distinguish over Dubinin, and thus the

combination of Dubinin and Hoy does not teach or suggest the present invention. The applicants respectfully submit that the rewritten claim should raise no new issues as the Examiner has indicated that the prior art does not teach outer surface illumination, and therefore, the applicants submit that Claim 1 and its dependent claims are allowable over the cited references and request reconsideration and allowance. Further, Claim 18 has been amended to better recite the container label part.

Independent Claim 1 has been amended to incorporate the illumination of the outer surface of the container so as to distinguish over Dubinin (Claims 19-22).

Claims 19-22, which depend from Claim 1, stand rejected under U.S.C. § 103(a) as being unpatentable over Dubinin et al. (WO 01/90640 A1) in view of Zelensky (U.S. Patent No. 5,178,450). The Examiner has indicated that Dubinin teaches a container having a removably coupled cap having a means for illuminating the inner surface. The Examiner further states that Dubinin does not teach illuminating the outer surface of the container as detailed in the current invention. Therefore, independent Claim 1 has been rewritten to incorporate the illumination of the outer surface of the container so as to distinguish over Dubinin, and thus the combination of Dubinin and Zelensky does not teach or suggest the present invention. The applicants respectfully submit that the rewritten claim should raise no new issues as the Examiner has indicated that the prior art does not teach outer surface illumination, and therefore, the applicants submit that Claim 1 and its dependent claims are allowable over the cited references and request reconsideration and allowance. Further, Claim 22 has been amended to better recite the container label part.

Independent Claim 23 has been amended to incorporate the illumination of the outer surface of the container so as to distinguish over Zelensky (Claim 25).

Claim 25, which depends from Claim 23, stands rejected under U.S.C. § 103(a) as being unpatentable over Zelensky et al. (U.S. Patent No. 5,178,450) in view of Masaki (U.S. Patent No. 4,736,138). The Examiner has indicated that Zelensky teaches a container having a removably coupled cap having a means for illuminating the inner surface. The Examiner further states that Zelensky does not teach illuminating the outer surface of the container as detailed in the current invention. Therefore, independent Claim 23 has been rewritten to incorporate the illumination of the outer surface of the container so as to distinguish over Zelensky, and thus the combination of Zelensky and Masaki does not teach or suggest the present invention. The applicants respectfully submit that the rewritten claim should raise no new issues as the Examiner has indicated that the prior art does not teach outer surface illumination, and therefore, the applicants submit that Claim 23 and its dependent claims are allowable over the cited references and request reconsideration and allowance. Further, Claim 25 has been amended to more completely define the present invention by further defining the generation of the electrical current.

Wolf only teaches or suggests transillumination of the container neck area; Boutilier does not teach illumination, only color enhancement of the container contents (Claims 32-33).

Claims 32 and 33 stand rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 4,836,476 to Wolf in view of U.S. Publication 2003/00115781 A1 to Boutilier. The applicants respectfully traverse the Examiner's rejection for the following reasons.

Wolf claims only to transilluminate the neck of the container (bottle) so as to examine the *contents inside the bottle* as it is being dispensed (e.g., the "clearness" of the wine as it is being dispensed – see U.S. Patent No. 4,836,476, Column 1, lines 16-24). Wolf does not teach or

suggest a method for illuminating the other parts of the container, mainly the body, where a usable and functional label would exist. In fact, as seen in Wolf's invention (particularly Figure 1), the disclosed structure makes it impossible to illuminate the body of the container. The present invention contains structure to guide the illumination to all areas of the container, including a neck.

Boutilier's invention is not directed to the illumination or display of the label, as the present invention does. Boutilier's invention is directed to the enhancement of the *contents* of the container. It increases its ornamental value by using the rear part of the label, that is, the part of the label that is attached to the container (not the outside of the label), to provide a uniform solid color to contrast with the liquid contents *within* the bottle (U.S. Publication 2003/00115781 A1, Claim 1). Further, the container *must* be sufficiently translucent (U.S. Publication 2003/00115781 A1, Paragraph [0018]) so the inside of the colored label may be seen through the rear of the container, thus providing a uniform hue to the internal liquid contents. The present invention does not have to be translucent (or transparent) as the structure provides illumination to the outside areas of the container where a usable and functional label would exist.

Therefore, first, since Wolf's invention is not intended (and cannot) illuminate the body of the container, the combination of Wolf and Boutilier does not teach or suggest the Method claims 32 and 33 of the present invention.

Second, in Boutilier's invention, since it is the color of the inside of the label that enhances the liquid within the container, and not an illumination source, the combination of Wolf and Boutilier does not teach or suggest the Method claims 32 and 33 of the present invention, that of illuminating a label on the outside of the container.

Further, Claim 32 has been amended to better recite the container and label parts.

Thus, the applicants submit that Claims 32 and 33 are allowable over the cited references and request reconsideration and allowance.

Allowable Subject Matter

Claims 8, 9 and 26 may be rewritten in independent form

Claims 8, 9 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As suggested by the Examiner, Claims 8, 9 and 26 have been rewritten in independent form as Claims 36-38 to make them ready for allowance.

Claim 30 is allowed

The applicants acknowledge the allowance of Claim 30 with appreciation.

Conclusion

In view of all the above, the applicants respectfully submit that the claims objected to by the Examiner (claims 3 and 26) have been appropriately corrected; Claims 1-22, Claims 23-26 and Claims 27-29 have been amended to define over the prior art under Section 102 by incorporating the illumination of the outer surface of the container so as to distinguish over the prior art; the Examiner's reasons for rejecting Claim 31 under Section 102 have been traversed; Claims 1-22 and Claims 23-26 have been amended to define over the prior art under Section 103 by incorporating the illumination of the outer surface of the container so as to distinguish over the prior art; the Examiner's reasons for rejecting Claims 32 and 33 under Section 103 have been traversed; Claims 8, 9 and 26 have been rewritten in independent form as suggested by the Examiner; and Claim 30 has been allowed with appreciation.

In addition, Claim 34, a dependent claim to Claim 16, has been added to more completely claim the invention, in particular pointing out that an outer surface defined in Claim 16 can be constructed to focus illumination to the outside of the container receptacle (current Application, Page 8, Paragraph [0081]).

Further, Claim 35, a dependent claim to Claim 1, has been added to more completely claim the invention, in particular pointing out the use of a light guide means for directing illumination to the container label.

In addition, Claim 39, a dependent claim to Claim 23, has been added to more completely claim the invention, in particular pointing out illumination sources that may be used for the

illumination means (current Application, Page 8, Paragraph [0079]).

Claim 40 has been added to more completely claim the invention, in particular pointing out that the invention can be used on more than one medicine container by attaching to and removing it from any supplied conventional cap (that is, such as a conventional cap that is originally supplied with the medicine container, which does not contain illumination capabilities – see Application, Figs 21 and 22, and Page 8, Paragraph [0072]), while illuminating the outer surface of the receptacle.

Accordingly, the applicants respectfully submit that this application is now in full condition for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned Agent of record so that the case may proceed expeditiously to allowance.

Very respectfully,



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